

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,**

Plaintiff,

VS.

**KEVIN A. VAN DE GRIFT and
GIL FRIEDMAN,**

Defendants.

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Civil No.: 23-cv-01491-JGK

JOINT RULE 26(F) REPORT AND PROPOSED DISCOVERY PLAN

Counsel for the parties, having conferred pursuant to Federal Rule of Civil Procedure 26(f), hereby submit this Joint Rule 26(f) Report and Proposed Discovery Plan.

1. Any motion to amend the pleadings or to join additional parties shall be filed within 60 days of the Court's entry of this order.
2. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by July 7, 2023.
3. The parties have discussed a discovery plan and have agreed on the proposed schedule listed below:
 - a. Non-expert discovery shall be completed by April 5, 2024.
 - b. Expert discovery:
 - i. All expert discovery shall be completed by June 7, 2024.
 - ii. Expert reports shall be exchanged no later than July 12, 2024.
 - iii. Rebuttal expert reports shall be exchanged no later than August 16, 2024.

c. Dispositive motions:

- i. Dispositive motions shall be filed by September 20, 2024.
- ii. Responses to dispositive motions shall be filed by October 18, 2024.
- iii. Replies in support of dispositive motions shall be filed by November 1, 2024.

4. The subjects upon which discovery may be needed include, but are not limited to, the allegations in Plaintiff's Complaint, the disgorgement of Defendant Van de Grift's alleged ill-gotten gains, imposition of civil penalties, and Defendants' defenses.

5. Discovery should not be conducted in phases or be limited to or focused on particular issues.

6. The parties have not identified any issues about disclosure or discovery of electronically stored information.

7. The parties have not identified any issues about claims of privilege or of protection as trial-preparation materials.

8. The parties have not identified any need to impose any additional limitations on discovery.

9. The parties have not identified any order that the Court should issue under Rule 26(c) or Rule 16(b) and (c).

10. The parties do not consent to proceedings before a United States Magistrate Judge.

Dated: Jun 8, 2023
Denver, Colorado

Respectfully submitted,

UNITED STATES SECURITIES &
EXCHANGE COMMISSION

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SO ORDERED:

/s/ John G. Koeltl
Honorable John G. Koeltl
United States District Judge

6/14/2023